

legal detention facility at Guantánamo.

Let's get a few things straight. The American people are safer and more secure because monsters like Khalid Shaikh Mohammed are off the battlefield and behind bars where they belong. When the Obama administration wanted to bring these terrorists to America, introduce them into the American judicial and prison systems, the Congress, on an overwhelming, overwhelming bipartisan basis, said no. But the progressive leftists in the Biden administration don't seem to care. They seem more concerned about the views of European human rights activists than about key national security concerns and complex legal questions.

So new reports suggest that President Biden and his team are trying to cut plea deals with these terrorists and war criminals. They want to cut these guys deals.

What would the deals look like? No one knows. They won't tell anybody. Would they be transferred into our own taxpayer-funded justice system for American citizens? Are we going to have hardened terrorists moving through the streets of Manhattan, with terrorist lawyers getting the rights and access that pertain to defense counsel?

Mayor Adams is already saying New York can't cope with President Biden's open southern border, and now the NYPD could have to babysit terrorists as well? Or is the plan military commissions, in which case, what concessions is the President planning to make to these murderers to get their activist lawyers to accept that forum?

Or does the administration intend to follow the Obama administration's model and rely on third parties and other countries to do the dirty work of detention? Well, of course, if you are going to send these people to other countries, that requires allies who are reliable, responsible, and actually willing to take these terrorists. Does President Biden plan to gamble on an Iraqi Government that is increasingly under the influence of Iran? Or do they want to double down on detention facilities run by Syrian Kurdish partners in areas that are not yet under the control of the Assad regime?

There is already no plan for Europe to reabsorb their citizens who fought for ISIS and are currently detained by the SDF. We are going to add to those ranks?

There is a huge long list of practical problems the administration needs to consider before they toy with risky plans to shutter a perfectly good facility at Guantánamo Bay for no good reason. The Biden administration has got to rediscover some common sense.

Now, I understand that liberal activists are willing to leave innocent American families in greater danger in exchange for a little bit of leftwing symbolism, but our Commander in Chief has a higher duty.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE SESSION

NATIONAL STALKING AWARENESS MONTH

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. Res. 13, which the clerk will report.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 13) raising awareness and encouraging the prevention of stalking by designating January 2023 as "National Stalking Awareness Month".

The PRESIDING OFFICER. The majority whip.

E-CIGARETTES

Mr. DURBIN. Mr. President, I have served in the House and Senate for a number of years. One of the issues that has always been of interest to me is tobacco. I lost my father to lung cancer when I was 14 years old. He was 53. Two packs of Camels a day, and he died of lung cancer. I have thought about that a lot throughout my life.

When I was elected to the House of Representatives, I decided to start asking a few questions about tobacco and government subsidies and government policies. It was not the most popular position I ever took within the House of Representatives. There was generally a rule—or at least a custom—of never raising the issue. I did. It resulted in a decision by the House of Representatives that surprised almost everyone.

I introduced an amendment to ban smoking on airplanes. It was opposed by not only my own party leadership but the leadership of the Republican Party. Yet we prevailed. It turned out that the Members of the House of Representatives represented one of the largest frequent flier clubs in America, and they were sick and tired of second-hand smoke in airplanes.

I called on Senator Frank Lautenberg of New Jersey to be my ally on this side of the Rotunda, and he was successful in passing the legislation with me, which was signed into law.

People started asking obvious questions about secondhand smoke: If it is dangerous in an airplane, why is it not dangerous on the train, the bus, at a hospital, in an office building, in a restaurant?

So, to my surprise, this measure to make clean air more prevalent on airplanes ended up being a tipping point in American history on tobacco policy. Everything started changing—and fast.

Lives were saved. People were discouraged from smoking. Tobacco companies, which had been untouchable to that point, were not only touchable, they were vulnerable. And they had to sit down and devise a new policy to make money.

Now, the premise of tobacco was to entice young people to start smoking at an early age, and the chemicals in tobacco, like nicotine, were addictive. People knew, in the tobacco industry, that if you could drag kids into smoking at an early age and get them addicted, they might face a lifetime with that addiction and, ultimately, die from it, but they would have loyal customers to the tobacco companies, and they would continue to make money.

When we started raising questions about tobacco, the tobacco companies needed an alternative. They found it. Do you know what it was? It was e-cigarettes and vaping. The tobacco companies made big investments in these companies—selling them as a new marketable product that was a lot safer—though, it wasn't—and creating addictions among children by advertising and selling fruit-flavored, bubble gum-flavored vaping devices that looked an awful lot like something you would carry around for your computer.

Visit a high school in America today in your State or visit a junior high or a middle school, for that matter. Ask the teachers and administrators what the prevalence is of vaping and e-cigarettes among the kids in these schools. You will be shocked to learn that kids mistakenly believe that these are harmless; yet they are extremely addictive—e-cigarettes and vaping.

So I contacted the Food and Drug Administration, which has the legal authority to regulate these products, and said: What are you going to do about it? Well, they weren't quite sure what to do about it. That is why I have come to the floor today—to tell you, up-to-date, what was just announced.

The decade-long delay from the Food and Drug Administration to properly regulate vaping and e-cigarettes is in a league of its own in the modern history of that Agency. You see, under the law known as premarket review, no tobacco product—and vaping is a tobacco product using tobacco chemicals like nicotine—is permitted on store shelves unless the producer, the manufacturer, proves—listen—proves to the Food and Drug Administration in advance, prior to selling the product on the market, that it is "appropriate for the protection of public health."

For years, the Food and Drug Administration, despite this charge under the law, has ignored it. Instead, they sit back as millions—millions—of e-cigarettes in fruit, mint, candy flavors, even with cartoon images, are illegally flooding the market and addicting America's children. The Food and Drug Administration watched as this happened. It was so bad that in year 2019—4 years ago—a Federal judge intervened, ruling that the Food and Drug